

REMARKS

Claims 1 through 10 are pending, of which claims 1 and 9 are independent. Favorable reconsideration and further examination are respectfully requested.

Claims 1, 3-5 and 7-9 were rejected under 35 U.S.C. §102(e) as being anticipated by over U.S. Pat. Pub. No. 2006/0055288 ("Heinzmann"); claims 2, 6, and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Heinzmann.

Heinzmann does not qualify as prior art under 35 U.S.C. §102(e), or any other statutory provision under 35 U.S.C. §102. Heinzmann is a U.S. national phase of international application no.: PCT/EP03/05051. Even if the international application (PCT/EP03/05051) were published in English and designated the U.S., the earliest possible section 102(e) date of Heinzmann is May 14, 2003 (its international filing date). The Applicants' claim priority back to February 24, 2003 through DE 10307825.8, which antedates Heinzmann's international filing date. Furthermore, the Applicants have not found, nor has the Examiner identified, any other statutory provision under which Heinzmann qualifies as a prior art reference.

In view of the foregoing discussion, Applicants request withdrawal of the rejection of claims 1, 3-5 and 7-9 as anticipated by Heinzmann, and the rejection of claims 2, 6, and 10 as being unpatentable over Heinzmann.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or


other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Please charge any additional fees, not already covered by check, or credit any overpayment, to deposit account 06-1050, referencing Attorney Docket No. 14219-098US1.

Respectfully submitted,

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Paul A. Pysher
Reg. No. 40,780

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906